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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,577	05/15/2001	Daniel Egger	4256B	1561
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ANDREWS KURTH LLP 1350 I STREET, N.W. SUITE 1100 WASHINGTON, DC 20005			EXAMINER MUHEBBULLAH, SAJEDA	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 04/30/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/854,577

**Applicant(s)**

EGGER ET AL.

**Examiner**

SAJEDA MUHEBBULLAH

**Art Unit**

2174

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 99 and 101-118 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 99 and 101-118 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to Amendment filed 05/11/2007.
2. Claims 99 and 101-118 are pending in this application. Claims 99, 106, and 113 are independent claims. Claims 99, 101-102, 113-115 are amended and claims 100 and 119-138 are cancelled. This action is made Final.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 99, 101-107 and 109-118 are rejected under 35 U.S.C. 102(e) as being anticipated by Porter et al. ("Porter", US 5,838,318).

As per claim 99, Porter teaches a method for arranging a desired number of activated windows of information for display on a screen connected to a computer, wherein the desired number is the number of activated windows to arrange for display on the screen in a particular format, and wherein the computer activates windows, the method comprising:

choosing the desired number of activated windows to arrange on the screen in the particular format (col.7, lines 66-67; col.8, lines 51-59; col.9, lines 58-67);

identifying activated windows for display, wherein the number of activated windows identified for display equals the desired number of activated windows to be displayed in the

particular format, wherein the desired number of activated windows to be displayed is greater than one, and wherein the most recently activated windows are identified for display (col.8, lines 51-59; col.9, lines 58-67);

arranging the identified windows on the screen for display in the particular format, wherein the identified windows are visibly arranged (col.9, lines 58-67); and

wherein each time a new window is activated the steps of identifying and arranging are repeated (col.10, lines 24-28).

As per claim 101, Porter teaches the method wherein the choosing the desired number of activated windows to arrange on the screen comprises choosing a default value (col.9, lines 58-67; col.10, lines 20-26).

As per claim 102, Porter teaches the method further comprising recognizing one or more activated windows which have not been identified for display and will not be arranged for display on the screen in the particular format (col. 11, lines 55-61; col.16, lines 51-56).

As per claim 103, Porter teaches the method wherein an activated window not identified for display may be represented on the screen with a representative display, the method further comprising representing one or more recognized windows on the screen with a representative display (col.16, lines 51-56).

As per claim 104, Porter teaches the method wherein the representative display is an icon which graphically represents the recognized window and wherein the icon is displayed simultaneously with an identified window (col.16, lines 51-56).

As per claim 105, Porter teaches the method further comprising minimizing the recognized window (col.16, lines 51-56).

As per claim 106, Porter teaches a method for displaying active information windows on a screen, wherein the information windows are generated by a computer and the screen is operably connected to the computer, and wherein the information windows may be displayed in two or more formats, comprising:

identifying at least one active window, wherein the identified windows will be displayed in a first format on the screen (col.7, lines 66-67; col.8, lines 51-59; col.9, lines 58-67),

recognizing at least one active window, wherein the recognized windows will be displayed in a second format on the screen, and wherein none of the identified windows are recognized (col.16, lines 51-56); and

generating a display on the screen for viewing identified windows and recognized windows, wherein a first format display is generated for each of the identified windows (col.8, lines 60-66), wherein a second format display is generated for each of the recognized windows, and wherein the second format is different from the first format (col.16, lines 51-56), comprising

arranging the first format displays and second format displays for display on the screen, wherein the computer is used in the arranging step (col.13, lines 43-45); and

repeating the steps of identifying, recognizing and generating when a new window is activated (col.10, lines 24-28).

As per claim 107, Porter teaches the method wherein the steps occur automatically each time a new window is activated (col.3, line 66 – col.4, line 2).

As per claim 109, Porter teaches the method wherein the first format displays are arranged vertically side-by-side (Fig.4B; col.8, lines 63-64).

As per claim 110, Porter teaches the method wherein the first format displays are arranged horizontally (Fig.4A, col.8, lines 62-63).

As per claim 111, Porter teaches the method wherein the generating step further comprises minimizing the recognized windows (col.16, lines 51-56).

As per claim 112, Porter teaches the method wherein a database manager is used, and wherein the step of generating further comprises accessing a database of information and using the accessed database information to generate the first format displays (col.16, lines 30-35).

As per claim 113, Porter teaches a database management system using windows of information and auto-arranging of the windows, wherein each time a previously inactive window is activated the system autoarranges the windows for display on a screen, comprising:

a memory, wherein data for use in generating information windows is stored (col.16, lines 30-35);

a processor, operably coupled to the memory (col.16, lines 37-38), that auto-arranges the windows of information; wherein the windows of information are automatically arranged (col.3, line 67 - col.4, line 2), the processor comprising:

means for generating windows of information using data from the memory (col.16, lines 30-38); and

means for auto-arranging windows of information into an arranged format, wherein more than one window may be arranged, and wherein each time a previously inactivate window is activated, all the active windows are arranged so that the arrangement of windows changes each time a previously inactivate window is activated (col.10, lines 20-34), and wherein the previously inactive window is displayed in a second format (col.16, lines 51-56); and

a screen, operably coupled to the processor, wherein the screen displays the information windows in an arranged format (col.4, lines 36-39).

As per claim 114, Porter teaches the database management system wherein the means for auto-arranging windows comprises:

means for determining windows to be arranged in a first format and windows to be arranged in the second format, wherein at least one window is determined to be arranged in the first format (col.16, lines 51-56).

As per claim 115, Porter teaches the database management system wherein the windows determined to be arranged in the second format are represented by graphical icons and are displayed in a lower portion of one or more of the first format windows (col.16, lines 51-56).

As per claim 116, Porter teaches the database management system wherein the arranged format is a targeted format chosen by a user of the database management system, further comprising means for choosing a target format (col.8, lines 60-66).

As per claim 117, Porter teaches the database management system wherein the user may enter a customized target format, further comprising a keyboard, wherein the customized target format may be entered (col.9, line 58 - col.10, line 2).

As per claim 118, Porter teaches the database management system wherein the user may choose from several different formats, the data management system further comprising means for displaying a list of formats to be chosen (col.8, lines 60-66).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 108 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porter et al. ("Porter", US 5,838,318) in view of Conrad et al. ("Conrad", US 5,956,030).

As per claim 108, Porter teaches the method of claim 106, wherein the second format is graphic icons (Porter, col.16, lines 51-56) and wherein the method further comprises arranging the graphic icons, wherein the graphic icons are arranged in an orderly fashion (Porter, col.16, lines 51-56). However, Porter does not teach the graphic icons are arranged to overlay on the first format display. Conrad teaches a method of managing windows wherein icons are displayed overlapping windows shown in a different format from those of the icons (Conrad, Fig.2, 3, 5). It would have been obvious to one of ordinary skill at the time of the invention to include teaching with Porter's method in order to conserve display space and view both types of windows simultaneously.

***Response to Arguments***

7. Applicant's arguments with respect to claim 99 and 101-118 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Communications***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SY D. LUU/

Primary Examiner, Art Unit 2174

**Sajeda Muhebbullah**

*Patent Examiner*

*Art Unit 2174*

/S. M./